

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARLON E. PAGTAKHAN,  
Petitioner,

No. C 09-5495 SI (pr)

v.

**ORDER DENYING REQUEST FOR  
CERTIFICATE OF APPEALABILITY**


ED FOULK,  
Respondent.

Petitioner's request for a Certificate of Appealability is DENIED because he has not demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The Clerk shall forward to the court of appeals the case file with this Order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

DATED: October 18, 2011

  
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SUSAN ILLSTON  
United States District Judge